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Filing date: **03/05/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188303
Party	Defendant The Luxury Holidays, Inc.
Correspondence Address	MORTON J. ROSENBERG ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DR., STE 101 ELLICOTT CITY, MD 21043-4178 UNITED STATES RKL@RKLPATLAW.COM
Submission	Answer
Filer's Name	MORTON J. ROSENBERG
Filer's e-mail	rkl@rkpatlaw.com
Signature	/MORTON J. ROSENBERG/
Date	03/05/2009
Attachments	SIGNED ANSW.TO-NOO-3-5-2009.PDF ( 15 pages )(617637 bytes )

**IN THE UNITED PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TravBuzz, Inc. d/b/a “Palace Tours”,	:	
	:	Opposition No. 91188303
Opposer,	:	
v.	:	Mark: THE GOLDEN CHARIOT
	:	
The Luxury Holidays, Inc.	:	Serial No. 77/448,792
	:	

**APPLICANT’S ANSWER TO AMENDED NOTICE OF OPPOSITION**

Applicant, The Luxury Holidays, Inc., by the undersigned attorney hereby answers each of the allegations filed in the amended Notice of Opposition made by Opposer:

(1) Applicant admits in part and denies in part the allegations made in paragraph 1 of the amended Notice of Opposition. Applicant admits that the name of a luxury train is “THE GOLDEN CHARIOT” which is operated through the Karnataka State Tourism Development Corporation (KSTDC). Applicant denies that the “name” of the train tour is “The Golden Chariot”. Applicant is without knowledge or information to form a belief as to the allegation of a joint venture of the State Government of Karnataka and the Ministry of Railways as alleged in paragraph 1 and therefore denies same.

(2) Applicant admits the allegations of Opposer in paragraph 2 of the amended Notice of Opposition.

(3) Applicant is without knowledge or information to form a belief as to the allegations of Opposer in paragraph 3 of the amended Notice of Opposition as

to the meaning of the words “approves” and the words “general sales agents” and therefore denies same.

(4) Applicant is without knowledge or information to form a belief as to the allegations of Opposer in paragraph 4 of the amended Notice of Opposition with regard to the meaning of the words “... approved sales agent ...” and therefore denies same.

(5) Applicant admits the allegations of the Opposer in paragraph 5 of the amended Notice of Opposition.

(6) Applicant admits in part and denies in part the allegations made in paragraph 6 of the amended Notice of Opposition. Applicant admits that the mark “THE GOLDEN CHARIOT” is in part proprietary to KSTDC and in fact, KSTDC is a fifty percent owner of the entire right, title and interest to the mark “THE GOLDEN CHARIOT” as is evidenced by assignment recordation at the U.S. Patent and Trademark Office on Reel 3927/Frame 947 wherein KSTDC and Applicant, The Luxury Holidays, Inc., each own a fifty percent interest in the entire right, title and interest to the mark “THE GOLDEN CHARIOT”. Applicant is without knowledge or information to form a belief as to what “photographs/pictures” of the train and other promotional materials are granted, for promotional purposes, by permission of the KSTDC as alleged in paragraph 6 of the amended Notice of Opposition and therefore denies same.

(7) Applicant is without knowledge or information to form a belief as to the allegations of Opposer in paragraph 7 of the amended Notice of Opposition and therefore denies same.

(8) Applicant is unable to answer the allegation of paragraph 8 of the amended Notice of Opposition since paragraph 8 refers to “one of the KSTDC photographs” but has provided no photograph as to the particular photograph complained of in paragraph 8 of the amended Notice of Opposition. Applicant is without information or knowledge of what photographs used by Opposer were used with the permission of KSTDC and therefore denies same.

(9) Applicant admits in part and denies in part the allegations made in paragraph 9 of the amended Notice of Opposition. Applicant admits that the train name and mark “THE GOLDEN CHARIOT” for services is owned by KSTDC in part wherein KSTDC has a fifty percent ownership in the mark and Applicant has a fifty ownership in the mark as is evidenced by the assignment recorded at the U.S. Patent and Trademark Office on Reel 3927/Frame 947. Applicant denies that KSTDC owns the entire right to the service mark.

(10) Applicant admits in part and denies in part the allegations made in paragraph 10 of the amended Notice of Opposition. Applicant admits that Applicant filed a “photograph” at the time of its filing of Applicant’s trademark application but is without information or knowledge as to whether this is “one of the KSTDC photographs” referred to in paragraph 8 of the amended Notice of Opposition and therefore denies same. Applicant additionally denies the

terminology in paragraph 10 relating to “allegedly descriptive information”, since the descriptive information is, in fact, true.

(11) Applicant denies the allegations of Opposer made in paragraph 11 of the amended Notice of Opposition.

(12) Applicant admits the allegations in paragraph 12 of the amended Notice of Opposition.

(13) Applicant denies the allegations made in paragraph 13 of the amended Notice of Opposition.

(14) No answer is necessary to paragraph 14 of the amended Notice of Opposition.

(15) Applicant denies the allegations made in paragraph 15 of the amended Notice of Opposition.

(16) Applicant denies the allegations made in paragraph 16 of the amended Notice of Opposition.

(17) Applicant denies the allegations made in paragraph 17 of the amended Notice of Opposition.

(18) Applicant denies the allegations made in paragraph 18 of the amended Notice of Opposition.

(19) Applicant denies the allegations made in paragraph 19 of the amended Notice of Opposition.

(20) Applicant is without knowledge or belief as to the allegations made in paragraph 20 of the amended Notice of Opposition and therefore denies same.

(21) Applicant denies the allegations made in paragraph 21 of the amended Notice of Opposition since Applicant does not understand how the issuance of a registration to Applicant would create a cloud on Applicant's rights to use the mark and name "THE GOLDEN CHARIOT" in connection with arranging travel tours, arranging excursions for tourists, and travel agency services, namely providing tourist information concerning travel as is apparently alleged in paragraph 21 of the amended Notice of Opposition.

(22) To the best of Applicant's knowledge as to the meaning of paragraph 22 of the amended Notice of Opposition, Applicant denies same. Applicant states that this is a trademark application is an opposition proceeding and not in a cancellation proceeding, which would only be appropriate for a trademark registration which is not the subject of this opposition.

(23) No answer is required to paragraph 23 of the amended Notice of Opposition.

(24) Applicant admits in part and denies in part the allegations made in paragraph 24 of the amended Notice of Opposition. Applicant admits that KSTDC is a 50% owner with Applicant in the mark "THE GOLDEN CHARIOT" for the services claimed in the trademark application, Serial No. 77/448,792. Applicant is without knowledge whether the mark "THE GOLDEN CHARIOT" is due to a joint venture of the state government of Karnataka and the Ministry of Railways, or through the Karnataka State Tourism Development Corporation and therefore denies same.

(25) Applicant admits the allegations in paragraph 25 of the Amended Notice of Opposition.

(26) Applicant denies in part and admits in part that the “term in issue” as referenced in paragraph 26 of the amended Notice of Opposition is used by Applicant and Opposer, however, Applicant denies that Opposer has been given permission by KSTDC to use the “term in issue”. Applicant is without knowledge or belief as to “other third party tour agencies (all authorized by KSTDC)” for promotion of the “THE GOLDEN CHARIOT” train and train tours in Karnataka, India and therefore denies same.

(27) Applicant admits the allegations made in paragraph 27 of the amended Notice of Opposition.

(28) Applicant is without knowledge or information as to a belief as to the allegations made in paragraph 28 of the amended Notice of Opposition and therefore denies same.

(29) Applicant denies the allegations made in paragraph 29 of the amended Notice of Opposition since both Applicant and KSTDC own the entire right, title and interest to the mark in Serial No. 77/448,792.

(30) Applicant denies the allegations made in paragraph 30 of the amended Notice of Opposition.

(31) Applicant denies the allegations made in paragraph 31 of the amended Notice of Opposition since Applicant does not understand how the issuance of a registration to Applicant would create a cloud on Applicant’s rights

to use the mark and name “THE GOLDEN CHARIOT” in connection with arranging travel tours, arranging excursions for tourists, and travel agency services, namely providing tourist information concerning travel as is apparently alleged in paragraph 31 of the amended Notice of Opposition.

(32) Applicant denies the allegations made in paragraph 32 of the amended Notice of Opposition.

(33) Applicant denies the allegations made in paragraph 33 of the amended Notice of Opposition.

(34) Applicant admits the allegations made by the Opposer in paragraph 34 of the amended Notice of Opposition as to the use of the mark “THE GOLDEN CHARIOT” being confusing similar between Applicant and Opposer, however, Applicant and KSTDC have used the mark “THE GOLDEN CHARIOT” well before the Opposer’s use of the mark and thus, it is Opposer’s use of the mark when applied to the services of the parties which is confusingly similar to Applicant’s use of the mark.

(35) Applicant denies the allegations made in paragraph 35 of the amended Notice of Opposition.

(36) Applicant denies the allegations made in paragraph 36 of the amended Notice of Opposition.

(37) Applicant is without knowledge or information to form a belief as to the allegations made in paragraph 37 of the amended Notice of Opposition and therefore denies same.



(38) Applicant denies the allegations made in paragraph 38 of the amended Notice of Opposition since Applicant does not understand how the issuance of a registration to Applicant would create a cloud on Applicant's rights to use the mark and name "THE GOLDEN CHARIOT" in connection with arranging travel tours, arranging excursions for tourists, and travel agency services, namely providing tourist information concerning travel as is apparently alleged in paragraph 38 of the amended Notice of Opposition.

**FURTHER DEFENSES**

(39) Applicant in the following paragraphs provides the TTAB some defenses which respond to Opposer's allegations made in the amended Notice of Opposition. Applicant reserves the right to develop further defenses during the Discovery Phase of this Opposition.

(40) Applicant is a co-owner with KSDTC of the mark "THE GOLDEN CHARIOT", Serial No. 77/448,792. KSDTC is an owner of fifty percent of the entire right, title and interest in and to the mark "THE GOLDEN CHARIOT" for the services as defined in Applicant's trademark application.

(41) The assignment document affording KSDTC a fifty percent ownership of the entire right, title and interest to the trademark application is attached as Exhibit A with the assignment being recorded on Reel 3927/Frames 947-948 at the U.S. Patent and Trademark Office.

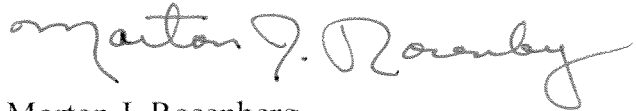
(42) Applicant has been appointed as the exclusive worldwide marketing partner for the mark "THE GOLDEN CHARIOT" for representing the KSDTC for all marketing activities concerned with the "THE GOLDEN CHARIOT" through the world.

(43) Attached is Exhibit B which is a document signed by the Managing Director (at that time) of KSDTC appointing Applicant's principle company, "The Luxury Trains, New Delhi", as the exclusive worldwide marketing partner for the mark "THE GOLDEN CHARIOT".

(44) "The Luxury Trains, New Delhi" is the principle corporation of Applicant and all rights afforded to "The Luxury Trains, New Delhi" is owned by Applicant.

WHEREFORE, having made full answer to the amended Notice of Opposition, Applicant prays that the Opposition be dismissed.

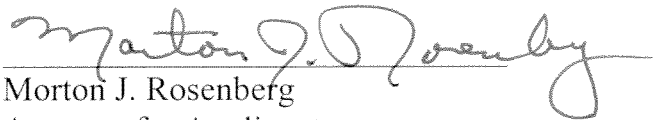
For: ROSENBERG, KLEIN & LEE



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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of the foregoing Applicant's Answer to Amended Notice of Opposition was served on the Opposer by mailing a true copy thereof by first class mail, postage prepaid to: John M. Rannells, Baker and Rannells PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, on this 5<sup>TH</sup> day of March 2009.



Morton J. Rosenberg  
Attorney for Applicant

TO: MORTON J. ROSENBERG COMPANY: ROSENBERG, KLEIN & LEE

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



\*700397574A\*

FEBRUARY 02, 2009

PTAS - HT

MORTON J. ROSENBERG  
ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE, SUITE 101  
ELLICOTT CITY, MD 21043

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 01/28/2009

REEL/FRAME: 003927/0947

NUMBER OF PAGES: 2

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:

LUXURY HOLIDAYS, INC., THE

DOC DATE: 01/27/2009  
CITIZENSHIP: DELAWARE  
ENTITY: CORPORATION

ASSIGNEE:

LUXURY HOLIDAYS, INC., THE  
126 BANGOR LANE  
MILTON, DELAWARE 19968

CITIZENSHIP: DELAWARE  
ENTITY: CORPORATION

ASSIGNEE:

KARNATAKA STATE TOURISM  
DEVELOPMENT CORPORATION  
#49, 2ND FLOOR, KHANIJA BHAVAN,  
RACE COURSE ROAD, BANGALORE  
560001, KARNATAKA, INDIA

CITIZENSHIP: INDIA  
ENTITY: CORPORATION

TO:MORTON J. ROSENBERG COMPANY:ROSENBERG, KLEIN & LEE

003927/0947 PAGE 2

APPLICATION NUMBER: 77448792  
REGISTRATION NUMBER:

FILING DATE: 04/15/2008  
ISSUE DATE:

MARK: THE GOLDEN CHARIOT  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

**RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY**

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies):**

THE LUXURY HOLIDAYS, INC.

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation- State: DELAWARE  
☐ Other \_\_\_\_\_

Citizenship (see guidelines) \_\_\_\_\_

Additional names of conveying parties attached? ☐ Yes ☒ No**3. Nature of conveyance )/Execution Date(s) :**Execution Date(s) 1/27/2009

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

**2. Name and address of receiving party(ies)**Additional names, addresses, or citizenship attached? ☐ Yes ☒ No

- (1) The Luxury Holidays, Inc.  
126 Bangor Lane  
Milton, Delaware 19968  
Corporation of State of Delaware
- (2) Karnataka State Tourism Development Corporation  
#49, 2nd Floor, Khanija Bhavan,  
Race Course Road, Bangalore  
560001, Karnataka, India  
Corporation of Country of India

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No  
 (Designations must be a separate document from assignment)

**4. Application number(s) or registration number(s) and identification or description of the Trademark.**

A. Trademark Application No.(s)

77/448,792

B. Trademark Registration No.(s)

Additional sheet(s) attached? ☐ Yes ☒ No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

**5. Name & address of party to whom correspondence concerning document should be mailed:**Name: Morton J. RosenbergInternal Address: Rosenberg, Klein & LeeStreet Address: 3458 Ellicott Center Drive, Suite 101City: Ellicott CityState: MD Zip: 21043Phone Number: 410-465-6678Fax Number: 410-461-3067

Email Address: \_\_\_\_\_

**6. Total number of applications and registrations involved:**

1

**7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$** 40.00

- ☒ Authorized to be charged to deposit account  
☐ Enclosed

**8. Payment Information:**Deposit Account Number 18-2011

Authorized User Name \_\_\_\_\_

**9. Signature**

Signature

1/28/2009

Date

Morton J. Rosenberg

Name of Person Signing

Total number of pages including cover sheet, attachments, and document:

2

ASSIGNMENT OF PARTIAL INTEREST IN PENDING  
SERVICE MARK APPLICATION

WHEREAS, The Luxury Holidays, Inc., a Corporation of the State of Delaware, located and doing business at 126 Bangor Lane, Milton, Delaware 19968 has adopted and used in its business the Service Mark "THE GOLDEN CHARIOT" which is currently pending before the U.S. Patent and Trademark Office under Serial No. 77/448,792. Filed 15 April 2008, in the United States Patent and Trademark Office; and,

WHEREAS, Karnataka State Tourism Development Corporation (KSTDC), a Corporation of the State of Karnataka, India, located and doing business at #49, 2<sup>nd</sup> Floor, Khanija Bhavan, Race Course Road, Bangalore 560001, Karnataka, India is desirous of acquiring a fifty percent (50%) interest in the entire right, title and interest to the mark "THE GOLDEN CHARIOT" together with the good will of the business in connection with which said mark is used:

NOW, THEREFORE, in consideration of and in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, said "The Luxury Holidays, Inc." does hereby sell, assign, transfer and set over unto said Karnataka State Tourism Development Corporation (KSTDC) a fifty percent (50%) interest in the entire right, title and interest in, and under said Trademark and any Registration to be issued thereon, together with the good will of the business in connection with which said mark is used.

FOR: THE LUXURY HOLIDAYS, INC.

By: \_\_\_\_\_

Sajive Trehaan

Title: President

Date: Jan 27<sup>th</sup> 2008

21/01/08

This is to bring to your kind notice that *The Luxury Trains, New Delhi* has been appointed as the exclusive "Worldwide Marketing Partner" for "The Golden Chariot", the luxury tourist train for Karnataka. They would be representing the Karnataka State Tourism Development Corporation for all marketing activities concerned with "The Golden Chariot" all over the world.

*(Prashant Kumar Thakur)*  
Managing Director

EXHIBIT B



Tel: +91 80 2235 2580, Fax: +91 80 2235 2963, E-mail: [rnd@kstdc.net](mailto:rnd@kstdc.net)